

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

RANDELL ORANGE

CIVIL ACTION NO. 11-cv-1848

VERSUS

JUDGE HICKS

DEPARTMENT OF CORRECTIONS, ET AL

MAGISTRATE JUDGE HORNSBY

O R D E R

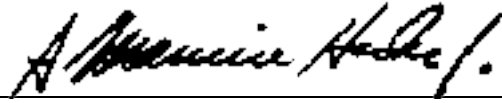
For the reasons assigned in the Report and Recommendation of the Magistrate Judge previously filed herein, and having thoroughly reviewed the record, including the written objections filed (Record Documents 82 and 83)¹, and concurring with the findings of the Magistrate Judge under the applicable law;

IT IS ORDERED that Plaintiff's **Motion for Summary Judgment (Doc. 62)**, **Motion for Default Judgment (Doc. 64)**, and **Motion for Temporary Restraining Order or Preliminary Injunction (Doc. 68)** are denied.

IT IS FURTHER ORDERED that, based on the sua sponte action of the court and the granting of Defendants' **Motion for Summary Judgment (Doc. 72)**, all defendants except Jermaine Moore are dismissed. The only remaining issue is the allegation that Moore applied excessive force to Plaintiff during the April 2, 2011 incident.

¹ Defendant Jermaine Moore's argument fails based on the fact that the nature of the claims asserted by Plaintiff show that they are, no matter how they might be labeled by the parties, claims against Moore in his individual capacity. See US ex rel. Adrian v. Regents of University of California, 363 F. 3d 398 (5th Cir. 2004).

THUS DONE AND SIGNED at Shreveport, Louisiana, this the 3rd day of November, 2014.

A handwritten signature in black ink, appearing to read "S. Maurice Hicks, Jr.", written over a horizontal line.

S. MAURICE HICKS, JR.
UNITED STATES DISTRICT JUDGE